

AUG 13 2012

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

UNITED STATES OF AMERICA,)	Criminal Action No. 7:08CR00041
)	Civil Action No. 7:10CV80270
v.)	
)	<u>ORDER</u>
CLIFTON DWIGHT LEE,)	
)	By: Hon. Glen E. Conrad
Defendant.)	Chief United States District Judge

For the reasons stated in the accompanying memorandum opinion, it is now

ORDERED

as follows:

1. The report and recommendation filed on September 22, 2011 is adopted in part and rejected in part; and
2. The case is referred to the Honorable Robert S. Ballou, United States Magistrate Judge for the Western District of Virginia, for an evidentiary hearing on the defendant's claim that trial counsel rendered ineffective assistance by failing to object to the court's violation of Rule 11(b)(1)(I). The magistrate judge shall submit to the court a report setting forth appropriate findings of fact, conclusions of law, and a recommended disposition of all of the defendant's remaining claims, pursuant to 28 U.S.C. § 636(b)(1)(B).

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the defendant, all counsel of record, and Judge Ballou.

ENTER: This 13th day of August, 2012.

[Signature]

Chief United States District Judge